

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ROBERT PALERMO,

Plaintiff,

v.

Civil Action No. 5:18cv7
(Judge Stamp)

UNITED STATES MARSHALS;
UNITED STATES OF AMERICA;
PAUL J. VACCA, JR.,

Defendants.

ORDER DISMISSING CASE FOLLOWING NOTICE OF INTENT TO DISMISS

On January 16, 2018, the *pro se* Plaintiff, Robert Palermo, a federal inmate, filed a Complaint for Damages which was used to open this Bivens action. However, because this Court's local rules require initiating complaints to be on the Court approved form, the Clerk of Court issued the Plaintiff a Notice of Deficient Pleading and Intent to Dismiss on January 17, 2018. The Notice informed the Plaintiff that this case would be dismissed within 30 days. The Notice further informed the Plaintiff that if he wished to pursue his complaint, he would have to re-file it on the court-approved form which was enclosed. The Notice was sent by certified mail, return receipt requested, and service was accepted on January 19, 2018.

The Plaintiff has failed to refile his complaint on the court-approved form. Accordingly, pursuant to the terms of the Notice, the Court **ORDERS** that this action is hereby **DISMISSED WITHOUT PREJUDICE**. The Court further **ORDERS** that the Plaintiff's Motion to Proceed *in forma pauperis* [ECF No. 2] and his Ex Parte Motion to Appoint Marshal to Serve Summons and Complaint [ECF No. 4] be **DENIED AS MOOT**.

The Clerk is **DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, to his last known address as reflected on the docket sheet. The Clerk is further **DIRECTED** to terminate the Magistrate Judge association with this case.

DATED: February 22, 2018

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE